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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joseph M. Schmitt, et al.

Serial No.: 10/699,610

Filed: October 30, 2003

For: DEVICE AND METHOD FOR  
MONITORING BODY FLUID AND  
ELECTROLYTE DISORDERS

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Group Art Unit: 3742

Examiner: Unassigned

Atty. Docket: TYHC:0143 / FLE  
P0277R-02

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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37 C.F.R. 1.8

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January 20, 2006  
Date

Michael G. Fletcher

Sir:

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.97(b) AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.


Furthermore, the references listed on the attached PTO/SB/08 Forms are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed below in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

Applicants believe this Information Disclosure Statement is properly filed in accordance with 37 C.F.R. § 1.97(b). Consequently, no fee is believed due with this Information Disclosure Statement. However, the Commissioner is authorized to charge any requisite fee for this Information Disclosure Statement, and any additional fee which may be required, to Deposit Account No. 06-1315; Order No. TYHC:0143/FLE (P0277R-02).

Respectfully submitted,

Date: January 20, 2006

  
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Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>		
		Application Number	10/699,610	
		Filing Date	October 30, 2003	
		First Named Inventor	Joseph M. Schmitt	
		Art Unit	3742	
		Examiner Name	Unassigned	
Sheet 1	16	Attorney Docket Number		TYHC:0143 / FLE / P0277R-02

## U.S. PATENT DOCUMENTS

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	US- 3,998,550	12-21-1976	Konishi et al.	
	A2	US- 4,066,068	01-03-1978	Nilsson et al.	
	A3	US- 4,364,008	12-14-1982	Jacques	
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	A6	US- 4,805,365	02-21-1989	Jobsis	
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	A19	US- 5,337,745 A	08-16-1994	Benaron	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	B1	JP 4-40940	02-12-1992	Kenji		
	B2	JP 5-329163	12-14-1993	Mitsuo et al.		
	B3	FR 2710517	04-07-1995	Alain et al.		
	B4	WO 98/34097	08-06-1998	Kohl et al.		
	B5	JP 11-244266	09-14-1999	Shimizu		
	B6	WO 00/32262 A1	06-08-2000	Waldeck		

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	A20	US- 5,337,937	08-16-1994	Blank et al.	
	A21	US- 5,348,004 A	09-20-1994	Hollub	
	A22	US- 5,355,880 A	10-19-1994	Thomas et al.	
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	B7	EP 1135184 A1	06-08-2000	Waldeck		
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	B11	WO 01/16577 A1	03-08-2001	Sccecina et al.		
	B12	WO 93/13706 A2	01-23-2001	Schmitt		

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	A43	US- 6,246,894 B1	06-12-2001	Steuer et al.	
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	A45	US- 2001/0020122 A1	09-06-2001	Steuer et al.	
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	B13	EP 1184663 A2	03-06-2002	Woo et al.		
	B14					
	B15					
	B16					
	B17					
	B18					

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	A57	US- 6,606,509	08-12-2003	Schmitt	
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	A63	US- 6,668,181	12-23-2003	Wenzel et al.	
	A64	US- 6,675,029 B2	01-06-2004	Monfre et al.	
	A65	US- 6,687,519	02-03-2004	Steuer et al.	
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	A69	US-			
	A70	US-			
	A71	US-			
	A72	US-			
	A73	US-			
	A74	US-			
	A75	US-			

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### NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	Wheeler, Owen H., "Near Infrared Spectra of Organic Compounds," Department of Chemistry, College of Agriculture and Mechanic Arts, University of Puerto Rico (March 1929)	
	C2	Pace, Nello, et al., "Studies on Body Composition: III. The body water and chemically combined nitrogen content in relation to fat content," Naval Medical Research Institute, Bethesda, Maryland (January 11, 1945)	
	C3	Mitchell, H. M., et al., "The Chemical Composition of the Adult Human Body and Its bearing on the Biochemistry of Growth), Division of Animal Nutrition, Departments of Physiology and Animal Husbandry, University of Illinois, pp. 625-637 (February 1945)	
	C4	Schloerb, Paul R., et al., "The Measurement of Total Body Water in the Human Subject by Deuterium Oxide Dilution," <i>Surgical Research Laboratories of the Peter Bent Brigham Hospital, and the Department of Surgery and the Biophysical Laboratory of the Harvard Medical School</i> , pp. 1296-1310 (March 20, 1950)	
	C5	Forbes, R.M., et al., "The Composition of the Adult Human Body as Determined by Chemical Analysis," Division of Animal Nutrition, and the Department of Anatomy, University of Illinois, January 19, 1953	
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	C9	Ben-Gera, I., et al., "Influence of Fat Concentration on the Absorption Spectrum of Milk in the Near-Infrared Region," <i>Israel J. Agric. Res.</i> , Vo. 18, No. 3, pp. 117-124 (July 1968)	
	C10	Houseman, R.A., et al., "The measurement of total body water in living pigs by deuterium oxide dilution and its relation to body composition," <i>Br. J. Nutr.</i> , Vol. 30, pp. 149-156 (1973)	
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	C12	Lesser, G.T., et al., "Body water compartments with human aging using fat-free mass as the reference standard," <i>Am J. Physiol Regul Integr Comp Physiol.</i> , Vol. 236, pp. 215-220 (1979)	
	C13	Sheng, Hwai-Ping, et al., "A review of body composition studies with emphasis on total body water and fat," <i>The American Journal of Clinical Nutrition</i> , Vol. 32., pp. 630-647 (March 1979)	
	C14	Martens, H., et al., "Unscrambling Multivariate Data from Mixtures: I: Fat, water and protein determination in meat by near-infrared reflectance spectroscopy, II: soy protein and collagen determination in meat products from amino acid data," <i>Meat Res. Workers, Proc. European Meeting</i> , pp. 146-149 (1980)	

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